

NOTICE: While reasonable efforts have been made to assure the accuracy of the data herein, this is **NOT** the official version of Senate Journal. It is published to provide information in a timely manner, but has **NOT** been proofread against the events of the session for this day. All information obtained from this source should be checked against a proofed copy of the Senate Journal.

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, April 10, 2003.

Met at one minute past eleven o'clock A.M. (Ms. Walsh in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Chair (Ms. Walsh), members, guests and employees then recited the pledge of allegiance to the flag.

Distinguished Guests.

There being no objection, the Chair (Ms. Walsh) introduced, seated in the rear of the Chamber, the Somerville High School Cheerleaders. The cheerleaders recently won the 2003 American Open National Championship Medium Varsity Division Title. They were the guests of Senator Shannon.

Communications.

A communication was received from the President announcing the following appointments:

The Senator from Hampshire and Franklin, Mr. Rosenberg, to the steering committee established (pursuant to 42 U.S.C. Sec. 15405) relative to the Help America Vote Act;

The Senator from Suffolk, Mr. Hart, and the Senator from Suffolk, Ms. Wilkerson, to the Workforce Investment Board (pursuant to Executive Order Number 413);

The Senator from Essex, Mr. Baddour, the Senator from Suffolk, Mr. Hart, the Senator from Hampden and Hampshire, Mr. Knapik, and the Senator from Middlesex and Norfolk, Mr. Magnani, to the advisory committee established (pursuant to Section 44 of Chapter 246 of the Acts of 2002) to study the financing of the Massachusetts Turnpike Authority, the metropolitan highway system, the Massachusetts Port Authority and the Central Artery/Third Harbor Tunnel Project; and

The Senator from Bristol and Plymouth, Mr. Montigny, the Senator from Worcester and Norfolk, Mr. Moore, and the Senator from Essex and Middlesex, Mr. Tarr, to the National Legislative Association on Prescription Drug Prices.

A communication was received from the Minority Leader announcing the appointment of the Senator from Essex and Middlesex, Mr. Tarr, to the Workforce Investment Board (pursuant to Executive Order Number 413).

Petitions.

Mr. Joyce presented a petition (accompanied by bill, Senate, No. 1974) of Brian A. Joyce and Walter F. Timilty (by vote of the town) for legislation relative to certain school construction projects in the town of Milton [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on State Administration. Sent to the House for concurrence.**

Petitions were presented and referred, as follows:

By Mr. Hedlund, a petition (subject to Joint Rule 12) of Robert L. Hedlund and James Michael Murphy for legislation to exempt acute care hospitals from contributing to the uncompensated care pool;

By the same Senator, a petition (subject to Joint Rule 12) of Robert L. Hedlund and Garrett J. Bradley for legislation to provide for commuter boat parking rate equity;

By Mr. Magnani, a petition (subject to Joint Rule 12) of David P. Magnani, Robert E. Travaglini, Stanley C. Rosenberg and other members of the General Court [for complete list of petitioners, see printed bill] that provision be made for the adoption of a comprehensive public policy and strategy for the preservation and advancement of science and technology based economic development throughout the Commonwealth;

By Mr. O'Leary, a petition (subject to Joint Rule 12) of Robert A. O'Leary, Michael W. Morrissey and Matthew C. Patrick for legislation to impose a local excise tax on all passenger ferry trips; and

By Mr. Tolman, a petition (subject to Joint Rule 12) of Steven A. Tolman, Bruce E. Tarr and Marc R. Pacheco for legislation relative to the unemployment insurance taxable wage base;

Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Mr. Morrissey, for the committee on Government Regulations, on petition (accompanied by bill, Senate, No. 400), a Bill relative to pari-mutuel racing applications for state or county fairs (Senate, No. 1970); and

By Mr. Magnani, for the committee on Public Service, on Senate, No. 1525 and House, Nos. 2682, 3581 and 3739, a Bill relative to public employees serving in the armed forces of the United States (Senate, No. 1525);

Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

PAPERS FROM THE HOUSE.

A message from His Excellency the Governor recommending legislation relative to the financial sustainability of the Massachusetts Turnpike Authority (House, No. 3804),— **was referred, in concurrence, to the committee on Transportation.**

A petition (accompanied by bill, House, No. 3749) of Peter J. Larkin, Shaun P. Kelly, William Smitty Pignatelli and Andrea F. Nuciforo, Jr., relative to increasing the time in which real property owned by the Central Berkshire County Development Corporation may be exempt from taxation by the city or town in which such property is located,— **was referred, in concurrence, under suspension of Joint Rule 9, to the committee on Taxation.**

Reports

Of the committee on Commerce and Labor, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 3290) of Bradley H. Jones, Jr. and other members of the House relative to the right of entry to leased residential property by landlords; and

Of the petition (accompanied by bill, House, No. 3480) of Bradford Hill relative to authorizing the assumption of certain utility costs by residential tenants;

And recommending that the same severally be referred to the committee on Housing and Urban Development.

Of the committee on Criminal Justice, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2742) of John F. Quinn, Bruce E. Tarr and Thomas A. Golden, Jr. relative to the crime of money laundering, so-called,— and recommending that the same be referred to the committee on Banks and Banking.

Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:

Resolutions (filed by Mr. Joyce) “congratulating William C. Downing, Sr. on a successful year as Commander of the 9th District of the Massachusetts American Legion”;

Resolutions (filed by Mr. Moore) “recognizing Alex Stansky and the players and coaches of the Blackstone Valley Regional Vocational Technical High School Varsity Basketball Team”;

Resolutions (filed by Mrs. Sprague) “congratulating Corey Alan Lane of Rehoboth upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Tolman, Ms. Melconian, Messrs. Barrios, Berry and Brewer, Ms. Chandler, Ms. Creem, Ms. Fargo, Ms. Jacques, Messrs. Joyce, Knapik, Lees, Nuciforo, O’Leary and Panagiotakos, Ms. Resor, Mr. Rosenberg and Mrs. Sprague) “on the occasion of the Day of Remembrance for the Armenian Genocide of 1915 to 1923”;

Resolutions (filed by Ms. Wilkerson) “honoring the three doctors: Sampson Davis, Rameck Hunt and George Jenkins”;

Resolutions (filed by Ms. Wilkerson) “honoring Judge Greg Mathis”; and

Resolutions (filed by Ms. Wilkerson) “honoring Russ Parr.”

Reports of Committees.

By Mr. Brewer, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Brian P. Lees for legislation to permit Sunday and holiday premium pay to be credited toward weekly overtime pay.

Senate Rule 36 was suspended, on motion of Mr. Shannon, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Commerce and Labor.

By Mr. Brewer, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Robert A. O’Leary for legislation to direct the Department of Education to conduct a study of students’ use of writing tools for the MCAS examination.

Senate Rule 36 was suspended, on motion of Mr. Shannon, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Education, Arts and Humanities.

By Mr. Brewer, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Robert A. O’Leary and John J. Binienda for legislation relative to the civil penalties for violations of the Federal Natural Gas Pipeline Safety Act.

Senate Rule 36 was suspended, on motion of Mr. Shannon, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Government Regulations.

By Mr. Brewer, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Stephen M. Brewer and Mary S. Rogeness for legislation to extend health care coverage to resident engineers of the Division of Capital Asset Management and Maintenance.

Senate Rule 36 was suspended, on motion of Mr. Shannon, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.

Severally sent to the House for concurrence.

Petition.

On motion of Mr. Tarr, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Brewer, (accompanied by bill) of Stephen M. Brewer and Harriette L. Chandler for legislation to provide for an early retirement incentive for local school districts,— **and the same was referred to the committee on Public Service.**

Sent to the House for concurrence.

PAPER FROM THE HOUSE.

An engrossed Bill authorizing the town of Sunderland to hold town meetings in the town of Deerfield (see Senate Bill, printed in Senate, No. 1967) (which originated in the Senate), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted, two-thirds of the members present having voted in the affirmative, and it was signed by the Acting President and laid before the Governor for his approbation.**

Order Adopted.

On motion of Mr. Shannon,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Monday next at eleven o’clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

On motion of Mr. Tarr, at seven minutes past eleven o’clock A.M., the Senate adjourned to meet on the following Monday at eleven o’clock A.M.